

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE BOARD OF PEACE OFFICER STANDARDS AND TRAINING

In the Matter of the Disciplinary Hearing
Relating to Richard Peter Gonion,
License No. 11,616.

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION

The above-entitled matter came on for a prehearing conference before Administrative Law Judge Allen E. Giles at 3:00 p.m. on June 28, 1995, at 100 Washington Square, Suite 1700, Minneapolis, Minnesota. David E. Flowers, Assistant Attorney General, Suite 500, 525 Park Street, St. Paul, Minnesota 55103, appeared on behalf of the Complaint Committee of the Board of Peace Officer Standards and Training. The Licensee, Richard Gonion, did not appear at the hearing. Licensee's address is 4251 Parkview Court, Vadnais Heights, Minnesota 55127. No one appeared on behalf of the Licensee. The record closed in the matter at the close of the hearing on June 28, 1995.

Based on the filings and records in this matter, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. At all time relevant herein, Richard Gonion was licensed by the Minnesota Board of Peace Officer Standards and Training ("POST" or "the Board"), as a peace officer.

2. On September 19, 1994, Johnson was convicted of the offense of Misconduct of a Public Officer or Employee, Minn. Stat. § 609.43., in the District Court of Hennepin County, Minnesota. That offense is a gross misdemeanor. Gonion was sentenced on November 22, 1994, with imposition of sentence stayed for two years. Among the conditions imposed on Gonion was a requirement that he serve sixty days in the Hennepin County Adult Corrections Facility.

3. POST initiated a written complaint, dated November 22, 1994, based upon Gonion's criminal conviction. Gonion was served with the Complaint and advised of his right to attend a meeting of the Board's Complaint Committee where any further actions regarding Gonion's peace officer license would be considered. Gonion did not attend that meeting. The Complaint Committee concluded that further proceedings were warranted and referred this matter to the Office of Administrative Hearings. A Notice and Order for Hearing was served on Gonion on June 7, 1995, to the address Gonion has on file with the Board. The Notice indicated that a prehearing conference would be held in this matter and that Gonion's failure to attend could lead to the allegations in the

Complaint being taken as true. Gonion has not contacted the Judge nor attended the hearing in this matter.

Based on the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS OF LAW

1. The Board of Peace Officer Standards and Training and the Administrative Law Judge have jurisdiction of this matter pursuant to Minn. Stat. §§ 214.10 and 14.50.

2. Proper notice of this matter has been given and all necessary procedural requirements have been met by the Board.

3. Gonion's failure to appear at the prehearing conference in this matter and failure to contact the Administrative Law Judge constitute a default under Minn. Rule 1400.6000. Pursuant to that rule, the Judge takes the allegations in the Complaint as true for the purposes of this proceeding.

4. Gonion was convicted of a gross misdemeanor violation of Minn. Stat. § 609.43 on September 19, 1994. Minn. Rule 6700.1600(H) makes a conviction of that offense a violation of the standard of conduct required of licensees. Gonion's conviction of a gross misdemeanor is a violation of the standard of conduct set by Minn. Rule 6700.1600(H).

5. Under Minn. Stat. § 214.10, subd. 11, the Board is authorized to take disciplinary action against a licensee who has violated the standards of conduct of licensees.

Based on the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS RESPECTFULLY RECOMMENDED THAT the Board of Peace Officer Standards and Training take disciplinary action against the peace officer license of Richard Gonion.

Dated: July ___, 1995.

ALLEN E. GILES
Administrative Law Judge

Reported: Taped, No Transcript Prepared

NOTICE

Notice is hereby given that, pursuant to Minn. Stat. § 14.61 the final decision of the Board shall not be made until this Recommendation has been made available to the parties to the proceeding for at least ten days, and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to the Board. Exceptions to this Report, if any, shall be filed with John Laux, Executive Director of the Board, 200 Spruce Tree Center, 1600 University Avenue, St. Paul, Minnesota 55104-3825. Pursuant to Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail.